

REMARKS**35 U.S.C. § 102. Claim Rejections.**

7. The Office Action states that "Claims 1-10, 13-24, 26-39, 42-55 and 58-61
 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Haitsuka et al.
 (Haitsuka hereinafter)(U.S. Patent No. 6,847,992 B1, filed October 19, 1999).

Regarding Claims 1 and 30, the Office Action states that "Haitsuka discloses
 a search enhancement system, comprising:

10 a search engine (col. 8, lines 26-29, Haitsuka);
 at least one source (Col. 4, lines 50-53, a resource, Haitsuka)
 comprising information;

means for receiving a search query entered by a user at a terminal
 (Col. 2, and 6, lines 51-55, and 3-10 and 18-21; wherein the local device 100
 15 corresponds to the terminal claimed; Haitsuka), the search query comprising
 at least one search parameter specified by the user (Fig. 3, item 310, Col. 9,
 lines 1-4; wherein Last Name, Law School, Firm Name, etc., correspond to
 the search parameters claimed; Haitsuka);

means for receiving information of at least one of the sources specified
 20 by the user (Col. 4, lines 50-53; ... the client application causes a resource
 associated with the advertisement to be loaded by a browser application;
 Haitsuka); and

means for providing a refined search (Col. 5, lines 1-4); wherein the
 step of analyzing the data over time and modifying or enhancing the results to
 25 the step of providing a refined search; Haitsuka), wherein the refinement
 comprises any of

using information from at least one of the user-specified sources in
 conjunction with the received search parameters to perform the search at the
 search engine (Col. 4, lines 61-67; ... processes the user information and
 30 identifies one or more resources that are accessed to provide the user with an
 electronic presentation related to the advertisement...; Haitsuka),

performing the search at the search engine with the received search
 parameters (Col. 4 and 13, lines 61-63, and 23-28; respectively, Haitsuka)
 and subsequently refining search results with information from at least one of
 35 the user-specified sources (Col. 5 and 17; lines 3-4, and 23-25; wherein the

step of sorting and identifying records corresponds to the step of refining the search results; respectively, Haitsuka), and

performing the search at the search engine with the received search parameters and subsequently providing any of organizing and sorting of the search results with information [from] at least one of the user-specified sources (Fig. 8, item 810, Col. 17, lines 27-31, Haitsuka); and

returning the results of the refined search to any of the user and a recipient other than the user (Col. 18, lines 12-14, and 25-34, the Summary Record is then provided to the sponsor for review ... may also write the Summary Record to a data store ...; respectively, Haitsuka)."

Regarding Claim 17, the Office Action states that "Haitsuka discloses a process implemented across a network, comprising the steps of:

soliciting from a user at a terminal any of an identification and a selection of at least one information source (Col. 4, lines 54-57 and 64-67, Haitsuka);

receiving a search query from a user at a terminal (Col. 2, and 6, lines 51-55, and 3-10 and 18-21; wherein the local device 100 corresponds to the terminal claimed; Haitsuka), the search query comprising at least one search parameter specified by the user (Fig. 3, item 310, Col. 9, lines 1-4; wherein Last Name, Law School, Firm Name, etc., correspond to the search parameters claimed; Haitsuka);

means for providing a refined search (Col. 5, lines 1-4); wherein the step of analyzing the data over time and modifying or enhancing corresponds to the step of providing a refined search; Haitsuka), wherein the refinement comprises any of

using information from at least one of the user-specified sources in conjunction with the received search parameters to perform the search (Col. 4, lines 61-67; ... processes the user information and identifies one or more resources that are accessed to provide the user with an electronic presentation related to the advertisement...; Haitsuka),

performing the search with the received search parameters (Col. 4 and 13, lines 61-63, and 23-28; respectively, Haitsuka) and subsequently refining search results with information from at least one of the solicited information

sources (Col. 5, and 17; lines 3-4, and 23-25; wherein the step of sorting and identifying the records corresponds to the step of refining the search results; respectively, Haitsuka), and

performing the search with the received search parameters and
 5 subsequently providing any of organizing and sorting of the search results with information from at least one of the solicited information sources (Fig. 8, item 810, Col. 17, lines 27-31, Haitsuka); and

returning the results of the refined search to any of the user and a recipient other than the user (Col. 18, lines 12-14, and 25-34, the Summary
 10 Record is then provided to the sponsor for review ... may also write the Summary Record to a data store 140...; respectively, Haitsuka)."

Regarding Claim 46, the Office Action states that "Haitsuka discloses a system implemented across a network, comprising:

15 a search query received from a user terminal located on the network (Col. 2, and 6, lines 51-55, and 3-10 and 18-21; wherein the local device 100 corresponds to the terminal claimed; Haitsuka), the search query comprising at least one search parameter specified by the user (Fig. 3, item 310, Col. 9, lines 1-4; wherein Last Name, Law School, Firm Name, etc., correspond to
 20 the search parameters claimed; Haitsuka);

a source selection received from the user terminal, the source selection specified by the user (Col. 4, lines 50-53; ... the client application causes a resource associated with the advertisement to be loaded by a browser application; Haitsuka); and

25 means for providing a refined search (Col. 5, lines 1-4); wherein the step of analyzing the data over time and modifying or enhancing corresponds to the step of providing a refined search; Haitsuka), wherein the refinement comprises any of

using information from at least one of the user-specified sources in
 30 conjunction with the received search parameters to perform the search (Col. 4, lines 61-67; ... processes the user information and identifies one or more resources that are accessed to provide the user with an electronic presentation related to the advertisement...; Haitsuka),

performing the search with the received search parameters (Col. 4 and 13, lines 61-63, and 23-28; respectively, Haitsuka) and subsequently refining search results with information from at least one of the user-specified sources (Col. 5, and 17; lines 3-4, and 23-25; wherein the step of sorting and
 5 identifying the records corresponds to the step of refining the search results; respectively, Haitsuka), and

performing the search with the received search parameters and subsequently providing and of organizing and sorting of the search results with information [from] at least one of the user-specified sources (Fig. 8, item
 10 810, Col. 17, lines 27-31, Haitsuka); and

means for returning the results of the refined search to any of the user and a recipient other than the user (Col. 18, lines 12-14, and 25-34, the Summary Record is then provided to the sponsor for review ... may also write the Summary Record to a data store 140 ...; respectively, Haitsuka)."

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Applicant's representative respectfully submits that there are significant differences between the invention as disclosed in the Application as filed and the cited art of Haitsuka.

20 Hilton Davis / Festo Statement

Applicant disagrees that Claims 1, 17, 30 and 46 are anticipated by Haitsuka. Applicant reserves the right to present the same or similar claims in a related Application. For sake of convenience in prosecution, Applicant has amended Claims 1, 17, 30 and 46, as discussed below, to particularly point out and
 25 distinctly claim some of the preferred embodiments of the invention.

Applicant has amended independent Claim 1, to claim a process implemented across a network, comprising the steps of:

receiving means for refining at least one search initiated by a user at a
 30 terminal comprising identification of at least one source specified by the user;
 receiving a search query from the user, the search query comprising at least one search parameter specified by the user;
 providing a refined search, wherein the refinement comprises any of

using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search,

5 performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources; and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and

10 returning the results of the refined search to any of the user and a recipient other than the user.

Support is seen in the Application as filed, at least on page 12, lines 12-21; 15 on page 12, line 25 to page 13, line 21; on page 13, lines 30-31; on page 13, line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18, line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 23, lines 16-21; on page 26, lines 23-30; on page 27, lines 1-4 and 30-37; on page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40, 20 42, 46-48 and 55-56; and in Figures 1-11 and 15.

Haitsuka describes data pass-through to sponsors, as seen at least in the Abstract, wherein:

25 "there is provided a client application for enabling access to an online service and displaying advertisements while the user is accessing the online service. The client application receives play lists from the online service provider. The play lists include information about advertisements to be played and the order of play. The client 30 application displays advertisements continuously within a dedicated client window while the user is connected to and/or using the online service. The client application preferably records informational data related to the user. When the user clicks-on an advertisement, the client application and an online server forward the user's informational 35 data to the advertisement's sponsor. The sponsor uses the information

to provide the user with customized information related to the advertisement.”

5 In regard to Haitsuka, Applicant respectfully submits that “information data related to user” is significantly different that user identification, selection and/or specification of a source to be used to refine a search initiated by the user.

10 As well, Applicant submits that “click-through” of an advertisement in Haitsuka is significantly different from user entry of search parameters in a search interface, which is then refined using information from a source identified, selected and/or specified by the user to be used for such a refinement.

15 Haitsuka describes advertising click-through details from a client application to an online service through displayed advertisements, as seen at least in col. 4, line 43 to col. 5, line 4, wherein:

20 “there is provided a client application for enabling access to an online service and displaying advertisements while the user has access to the online service. The client application receives play lists from the online service provider. The play lists include information about advertisements to be played and the order of play. The client application displays advertisements in a client window continuously while the user has access to the online service. When a user clicks on
25 an advertisement, the client application causes a resource associated with the advertisement to be loaded by a browser application.

30 In another aspect of the invention, an online server obtains descriptive information related to the user, such as the user's age, gender, address, interests, marriage status, income, and occupation. The client application monitors the user's click-throughs of advertisements. Whenever a user clicks-through on an advertisement, the client application initiates a process whereby the user-related information is passed to the advertisement's sponsor. The sponsor then utilizes the

user-related information to select an electronic presentation for the user that is related to the advertisement. In one embodiment, the process occurs in real time. The online server processes the user information and identifies one or more resources that are accessed to provide the user with an electronic presentation related to the advertisement. In another embodiment, the user-related information is stored in a data store for the sponsor. The sponsor can then analyze the data over time and modify or enhance one or more electronic presentations associated with the advertisement."

Applicant submits that the click-through navigation of Haituka is significantly different than Claims 1, 17, 30 and 46, as amended.

Applicant has disclosed details regarding the claimed systems and processes, as seen in the Application as filed, at least in Figure 3, and on Page 14, lines 9-21, wherein:

"In a typical system embodiment 10, a user USR (FIG. 3) selects 33 (FIG. 3) an information source 16 to be consulted by a search application 12, in the process of performing a search 24.

In some system embodiments 10, the results 14 of a search 24 are further refined 22a and/or organized 22b, based upon information 18 received from an external source 16. For example, in a user-initiated search 13 for lodging in Austin, Texas, a user specified source 16 may preferably comprise rating information 18 of lodgings, e.g. such as available through American Automobile Association, Inc. (AAA). The rating information 18, from the external source 16, e.g. AAA, is then used to refine 22a and/or organize 22b the results 14 of a general search 24 for any lodging that otherwise meets the search parameters 106,108, e.g. 108a,108b (FIG. 9, FIG. 10, FIG. 11) within a search query 13."

Applicant has disclosed exemplary details regarding the claimed systems and processes, as seen in the Application as filed, at least on page 14, lines 35-39, wherein:

5 “For example, in a similar user-initiated search 13 for lodging in Austin, Texas, a user specified source 16 which comprises rating information 18 of lodgings can alternately be included in the search 24, *i.e.* to refine or organize the search results 14, whereby the results of the general search 24 meet the user-specified search parameters 108,106,
10 and also comply with rating information 18 provided by a selected ratings service 16.”

Further details regarding user identification of sources are seen in the Application as filed, at least in Figures 4-7, and on page 15, line 37 to page
15 16, line 3, wherein:

 “Through user identifier input 33, the system 10 determines, *i.e.* identifies 34 one or more selected external sources 16, either directly, *e.g.* through explicit entry 33 of the identity of a source 16, or indirectly,
20 *e.g.* through an implicit determination of an identity of a source 16, such as through the determination of subject matter of a search query 13, and a determination of one or more sources 16 that have information 18 which pertains to the determined subject matter.”

25 Further support regarding exemplary systems and processes are seen in the Application as filed, at least on page 18, lines 29-38, wherein:

 “In the exemplary process 90 shown in Figure 8, when a user USR initiates a search query process 52, the application module 46 typically solicits 74 the identification 33 of one or more sources 16 comprising
30 data 18 which may be used to enhance the value of a search 24, *e.g.* to improve the quality and/or ordering of search results 14. In some system embodiments 10, a source solicitation 74 comprises a choice of one or more selectable sources 16, typically comprising sources 16

that are either explicitly available to the user USR, or are implicitly determined, e.g. such as travel related sources 16 if a search query 13 comprises one or more search parameters 108 within a search string 106 (FIG. 9 to FIG. 11), which indicate that the user USR is searching for lodging or travel accommodations.”

Detailed support regarding exemplary systems and processes are seen in the Application as filed, at least in Figure 8 and 9, and on page 19, line 35 to page 22, line 27, wherein:

“Figure 9 is a schematic view 100 of an enhanced primary search user entry screen 102 for a search engine 12, in which a user USR may preferably select one or more sources 16 at the same time as primary search parameters 108, e.g. 108a, 108b, are entered. As seen in Figure 9, an input screen 102 comprises a parameter input window 104, wherein a user USR can input one or more search parameters 108, e.g. 108a, 108b, such as within a Boolean string format 106. If a primary search 24 is desired, i.e. without a selection of secondary sources 16, a search control 110 may preferably be activated, such that the primary search 24 is based only upon the primary search parameters 108, e.g. 108a, 108b, such as within a search string 106.

The enhanced primary search user entry screen 102 shown in Figure 9 also comprises secondary source selection 112, comprising one or more subject sources 116a-116j within one or more search subject groups 114a-114k. For example, within a travel subject group 114a, one or more travel subject sources 116a-116j are selectable by the user USR, such that corresponding sources 16 are referenced in association with a search 24 corresponding to the primary search parameters 108. A search subject group 114 may comprise any of a wide variety of selectable subjects 114, such as but not limited to travel, shopping, business, technology, or personal sources 114. The displayed selection of subjects 114 and subject sources may reflect general subject areas, i.e. for general user audiences, or may alternately reflect more specialized professional or personal interests, such as internet-based opinion, review, and/or ratings sources 16.

The search subject groups 114a-114k shown in Figure 9 also comprise corresponding options control 118a-118k, such as to add or subtract desired source choices 116, and/or to select options based upon a source 16, such as to select a desired rating level of lodging, e.g. 4 stars, based upon a selected source 16.

As seen in Figure 9, the source selectors 116 allow selection of one or more secondary sources 16. In some system embodiments 10, information 18 associated with a source selection 116 accompanies the general search parameters 106,108 during a search 24. In alternate system embodiments 10, information 18 associated with a source selection 116 is used to enhance 22 the results 20 of a general search 24 that is based upon the parameters 106,108.

In some system embodiments, preliminary source selectors 116 comprise selectable choices of external sources 16, such as ranking sources 16, such as a ratings service 16 for restaurants, e.g. zagats.com, available through Zagat Survey LLC, of New York, NY. When searching for a restaurant using a search engine 12, a user USR may find it helpful to filter 22a or sort 22b results based on a rating from a ratings service 16. More specifically, the user USR can search for and display only restaurants with a Zagats rating higher than two, or the user USR may search for all restaurants meeting a specified criteria, and sort all restaurant hits based on the Zagats rating. Similarly, when searching for lodging using a search engine 12, a user USR may find it helpful to filter 22a or sort 22b results based on a rating from a travel related ratings service 16, e.g. such as ratings provided by American Automobile Association, Inc. (AAA).

Some system embodiments 10 allow express entry by the user USR of information in a search string, such as within the primary input window 104, to enable identification of such a source. In an alternative implementation, a source, e.g. Zagats or AAA, and an appropriate rating for a source 16, e.g. a Zagats rating equal to 2, may be associated with a user USR as a part of general user-specified search parameters 148, e.g. 148a (FIG. 12), in which one or more user-specified parameters 148 may be consulted automatically for searches of appropriate subject matter. In alternate system embodiments 10, the preliminary source selectors 116 comprise selectable choices of

user-defined sources 16, such as to include one or more-user-selected parameters 148 (FIG. 12).

5 In some embodiments, the selected 116 external sources 16 are included along with the primary search parameters 108. In alternate embodiments, selected external sources 16 are referenced to refine 22a and/or reorganize 22b results 14 of a search 24 based upon the primary search parameters 108 within the search string 106, *i.e.* the search engine 12 conducts a search 24, based upon parameters 106,108, wherein the results of a search 24 typically include all sites or sources 78 which meet the search parameter set.

10 Figure 10 is a schematic diagram 120 of an enhanced search system source selection screen 122. As described above, a user USR may initiate 52 a search 24, such as based upon one or more search parameters 108 within a search string 106. In some embodiments of an enhanced search system 10, a solicitation, *i.e.* source prompt 74 may be made, such that a user USR can select one or more sources 16 which can be used to refine 22a and/or organize 22b the results of a search 24.

15 As seen in Figure 10, the enhanced search system source selection screen 120 preferably displays entered search parameters 106,108, and may also display a search subject 124, *e.g.* such as but not limited to travel, cuisine, technical, biographical, cultural, or business subjects. The search subject 124 may be determined either explicitly or implicitly from the search parameters 106,108, or may otherwise be selected or determined, such as by user subject selection control 125. The system source selection screen 122 shown in Figure 10 also comprises a secondary source selection 112, from which one or more subject selections 116a-116j may be made by a user USR. The exemplary subject selection option 114a shown in Figure 10 corresponds to one or more travel related source selections 116, *e.g.* 116a-116j, based on the determined subject 124. The enhanced search system source selection screen 120 also comprises a refine results control 126 and an enhanced search control 128, whereby a user USR can control search refinement or organization 22, based upon source selections 116.

The secondary source selection 112, as shown in Figure 10, may alternately correspond to people or entities which are associated with the user USR, e.g. such as a network of friends, family, peers, students, neighbors, people or entities with a zip code region, and/or business associates. For example, the secondary source selection 112 may provide system access to external information or input 18 from one or more recipients RCP that are associated with the user USR. In another example, the secondary source selection 112 may provide system access to external information or input 18 from:

- Expert entities, e.g. Zagats, AAA, or a movie critic;
- Celebrities, e.g. Michael Jordan, John Cusack, or Sarah Michelle Gellar; and/or
- People similar to the user USR, i.e. "people like me", such as local people of a similar age and/or education level, immediate friends or friends of friends.

Figure 11 is a schematic diagram 130 of a primary search result screen 132 further comprising enhanced source solicitation control 126,128. As described above, a search 24 which comprises only primary search parameters 108, e.g. 108,108b, such as within a search string 106, may often yield a large found set 138 of results 134, e.g. 134a-134j. In some embodiments of the enhanced search system 10, such as integrated with a conventional search engine 12, an enhancement of a search 24 may comprise processing 22, e.g. refinement 22a and/or organization 22b, of a found set 138 from a search 24. The enhanced source solicitation control 126,128 shown in the primary search result screen 132 allows a user USR to operate 22 on the results of a search 24, such as by navigation to a enhanced search system source selection screen 120, as seen in Figure 10."

Specific support for Claims 1, 17, 30 and 46, as amended, is seen in the Application as filed, at least on page 22, line 35 to page 23, line 3, wherein:

"The search enhancement system 10 is readily implemented to provide a great value for a user USR, in which information from one or more secondary sources 16 can be explicitly or implicitly accessed and integrated to refine or organize the results of a search. The search enhancement system 10 improves current search methodologies, since a user USR can specify one or more user-selected information

sources to be consulted by a search application module 46 when performing a search. Results 14 from a conventional search engine 12 may be refined or re-organized based on data independently maintained by a selected source 16, such as a ratings service 16.”

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Further support is seen in the Application as filed, at least on page 23, lines 16-21, wherein:

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“The enhanced search system 10 provides structures and associated processes which allow a user USR to enhance either the search or the results of a search, based upon information from one or more selected sources. A wide variety of selectable sources 16, from which supplementary information 18 is accessed, may be used, such as external services 16, e.g. ratings services, or user-specified sources, e.g. such as user-defined ratings or search parameters.”

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In contrast to Claims 1, 17, 30 and 46, as amended, Haitsuka fails to disclose that a user has control over what user information is used, and does not provide a system to refine a user-initiated search. In Haitsuka, information is typically automatically sent to a sponsor, who then “utilizes the user-related information to select an electronic presentation for the user that is related to the advertisement”, *i.e.* targeted advertising under control of the sponsor.

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In regard to col. 4, line 37 to col. 5, line 4 of Haitsuka, while “user-related information” may be stored in a data store (140) for the sponsor, there is no disclosure that the user knowingly identifies, selects and/or specifies such information for refinement of a user-initiated search, that the user selects the data store for any purpose, or that the user chooses that his or her information to be used, *i.e.* the targeted advertising process of Haitsuka is typically transparent to the user.

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Haitsuka describes basic details of click-through of an advertisement, as seen at least in Col. 4, lines 50-53, wherein:

"When a user clicks on an advertisement, the client application causes a resource associated with the advertisement to be loaded by a browser application."

- 5 Applicant submits that the click-through as described by Haitsuka is significantly different than Claim 1, as amended.

Haitsuka also describes details of acquisition of information related to a user by a server, as seen at least in col. 4, lines 54-57, wherein:

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"In another aspect of the invention, an online server obtains descriptive information related to the user, such as the user's age, gender, address, interests, marriage status, income, and occupation."

- 15 Haitsuka also describes details of analysis of user-related data over time and subsequent use, as seen at least in col. 5, lines 1-4, wherein:

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"the user-related information is stored in a data store for the sponsor. The sponsor can then analyze the data over time and modify or enhance one or more electronic presentations associated with the advertisement".

- Applicant submits that "descriptive information related to the user" that is obtained by a server, such as for a sponsor, as described by Haitsuka, is significantly different than Claim 1, as amended, wherein identification of at least one source specified by a user at a terminal is received, and wherein a refined search is provided, wherein the refinement comprises any of using information from at least one of the user-specified sources in conjunction with the received search parameters to perform the search, performing the search with the received search parameters and subsequently refining search results with information from at least one of the user-specified sources, and performing the search with the received search parameters and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources.
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Therefore, in regard to Claim 1 as amended, Applicant submits that Haitzuka fails to disclose "a process implemented across a network, comprising the steps of:

- 5 receiving means for refining at least one search initiated by a user at a terminal comprising identification of at least one source specified by the user;
- receiving a search query from the user, the search query comprising at least one search parameter specified by the user;
- providing a refined search, wherein the refinement comprises any of
- 10 using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search,
- performing the search with the search parameters received from the user and subsequently refining search results with information from
- 15 at least one of the user-specified sources, and
- performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and
- 20 returning the results of the refined search to any of the user and a recipient other than the user."

Applicant has amended independent Claim 17, to claim a process implemented across a network, comprising the steps of:

- 25 soliciting from a user at a terminal means for refining at least one search initiated by the user, the refining means comprising any of an identification and a selection by the user of at least one information source;
- receiving a search query from the user, the search query comprising at least one search parameter specified by the user;
- 30 providing a refined search, wherein the refinement comprises any of
- using information from at least one of the solicited information sources in conjunction with the search parameters received from the user to perform the search,
- performing the search with the search parameters received from
- 35 the user and subsequently refining search results with information from at least one of the solicited information sources, and
- performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of

the search results with information from at least one of the solicited information sources; and

returning the results of the refined search to any of the user and a recipient other than the user.

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Support is seen in the Application as filed, at least on page 12, lines 12-21; on page 12, line 25 to page 13, line 21; on page 13, lines 30-31; on page 13, line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18, line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 23, lines 16-21; on page 26, lines 23-30; on page 27, lines 1-4 and 30-37; on page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40, 42, 46-48 and 55-56; and in Figures 1-11 and 15.

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Haitsuka describes a match list comprising match objects, as seen at least in col. 12, lines 57-67, wherein:

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"The client application 110 preferably also receives from the OSP server 130 a match list. The match list comprises one or more match objects. The match objects each comprise an activity identifier and an ad object. The match list guides the client application 110 to display certain advertisements notwithstanding the play list. The activity identifier preferably comprises resource locators and keywords which are used for targeting advertising to the user. The activity identifier may also be an object which altogether describes an online activity in which the user may become involved, such as email or chat."

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Haitsuka describes a use of a match list to "display an appropriate advertisement" when a user goes to a search engine, as seen at least in Figure 5, item 540 and in col. 13, lines 23-30, wherein:

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"As another example, the user might go to a search engine which is known to the online service provider, and search for information about the sale of automobiles based upon the keywords "automobile sales." The client application 110 preferably checks if the keywords sent to these selected search engines are activity identifiers in the match list. If

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so, then the client application 110 preferably displays the appropriate advertisement.”

Haitsuka describes the display of an advertisement in a client window, and
5 subsequent click-through selection, as seen at least in Figure 6, item 615 and item 620 and in col. 14, lines 41-43 and 51-53, wherein:

“In step 615, the client application 110 causes advertisements to be displayed in the client window 200 on the display 101”; and
10 “At some point during the online session, the user clicks on or otherwise selects a sponsored advertisement in the client window 200 (step 620).”

Haitsuka describes a notification that identifies a user associated with click-
15 through selection, as seen at least in Figure 5, item 540 and in col. 14, lines 56-61, wherein:

“The notification signal preferably includes an advertisement identification code that the OSP server 130 uses to identify the
20 advertisement on which the user clicked. The notification signal also includes a user identification code that identifies the user that clicked on the advertisement.”

While Haitsuka describes the display of an “appropriate” advertisement for a
25 user while using a search engine, such as seen in at least in col. 13, lines 23-30, there is no disclosure or suggestion, express or implied, of “soliciting from a user at a terminal means for refining at least one search initiated by the user, the refining means comprising any of an identification and a selection by the user of at least one information source;

30 receiving a search query from the user, the search query comprising at least one search parameter specified by the user:” and

“providing a refined search, wherein the refinement comprises any of

using information from at least one of the solicited information sources in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the solicited information sources, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the solicited information sources”.

Therefore, in regard to Claim 17 as amended, Applicant submits that Haitsuka fails to disclose or suggest “a process implemented across a network, comprising the steps of:

soliciting from a user at a terminal means for refining at least one search initiated by the user, the refining means comprising any of an identification and a selection by the user of at least one information source;

receiving a search query from the user, the search query comprising at least one search parameter specified by the user;

providing a refined search, wherein the refinement comprises any of using information from at least one of the solicited information sources in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the solicited information sources, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the solicited information sources; and

returning the results of the refined search to any of the user and a recipient other than the user.”

In regard to Claim 30, as amended, Haitsuka describes a use of a match list to “display an appropriate advertisement” when a user goes to a search engine that is “known to the online service provider”, as seen at least in Figure 5, item 540 and in col. 13, lines 23-30, wherein:

"As another example, the user might go to a search engine which is known to the online service provider, and search for information about the sale of automobiles based upon the keywords "automobile sales."

5 The client application 110 preferably checks if the keywords sent to these selected search engines are activity identifiers in the match list. If so, then the client application 110 preferably displays the appropriate advertisement."

10 As discussed above, Haitzuka describes advertising click-through details from a client application to an online service through displayed advertisements, as seen at least in col. 4, line 43 to col. 5, line 4, wherein:

15 "there is provided a client application for enabling access to an online service and displaying advertisements while the user has access to the online service. The client application receives play lists from the online service provider. The play lists include information about advertisements to be played and the order of play. The client application displays advertisements in a client window continuously
20 while the user has access to the online service. When a user clicks on an advertisement, the client application causes a resource associated with the advertisement to be loaded by a browser application.

25 In another aspect of the invention, an online server obtains descriptive information related to the user, such as the user's age, gender, address, interests, marriage status, income, and occupation. The client application monitors the user's click-throughs of advertisements. Whenever a user clicks-through on an advertisement, the client application initiates a process whereby the user-related information is
30 passed to the advertisement's sponsor. The sponsor then utilizes the user-related information to select an electronic presentation for the user that is related to the advertisement. In one embodiment, the process occurs in real time. The online server processes the user information and identifies one or more resources that are accessed to

provide the user with an electronic presentation related to the advertisement. In another embodiment, the user-related information is stored in a data store for the sponsor. The sponsor can then analyze the data over time and modify or enhance one or more electronic presentations associated with the advertisement.”

Applicant has amended independent Claim 30, to claim a search enhancement system, comprising:

- a search engine;
- at least one of any a secondary source and a supplementary source comprising information;
- means for receiving from a user at a terminal means for refining at least one search initiated by the user, the refining means comprising a specification by the user of at least one of the secondary or supplementary sources;
- means for receiving a search query entered by the user, the search query comprising at least one search parameter specified by the user;
- means for providing a refined search, wherein the refinement comprises any of
 - using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search at the search engine;
 - performing the search at the search engine with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and
 - performing the search at the search engine with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and
 - means for returning the results of the refined search to any of the user and a recipient other than the user.

Support is seen in the Application as filed, at least on page 12, lines 12-21; on page 12, line 25 to page 13, line 21; on page 13, lines 30-31; on page 13, line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18, line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 23,

lines 16-21; on page 26, lines 23-30; on page 27, lines 1-4 and 30-37; on page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40, 42, 46-48 and 55-56; and in Figures 1-11 and 15.

- 5 Applicant submits that the click-through as described by Haitsuka is significantly different than Claim 30, as amended.

As well, user click-through and subsequent loading of a "resource associated with the advertisement", as described by Haitsuka (as seen at least in col. 4,
10 lines 50-53) is significantly different than Claim 30, as amended, whereby identification is received of at least one source that is specified by the user.

Haitsuka is silent in regard to a system comprising, *inter alia*, "means for providing a refined search, wherein the refinement comprises any of
15 using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search at the search engine;
performing the search at the search engine with the search parameters received from the user and subsequently refining search
20 results with information from at least one of the user-specified sources, and
performing the search at the search engine with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at
25 least one of the user-specified sources."

Therefore, in regard to Claim 30 as amended, Applicant submits that Haitsuka clearly fails to disclose or suggest "a search enhancement system, comprising:
30 a search engine;
at least one of any a secondary source and a supplementary source comprising information;
means for receiving from a user at a terminal means for refining at least one search initiated by the user, the refining means comprising a
35 specification by the user of at least one of the secondary or supplementary sources;

means for receiving a search query entered by the user, the search query comprising at least one search parameter specified by the user;

means for providing a refined search, wherein the refinement comprises any of

5 using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search at the search engine;

 performing the search at the search engine with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

 performing the search at the search engine with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and

means for returning the results of the refined search to any of the user and a recipient other than the user."

Applicant has amended independent Claim 46, to claim a system implemented across a network, comprising:

means for receiving from a user through a user terminal located on the network means for refining at least one search initiated by the user, the refining means comprising a specification of at least one of any of a secondary source and a supplementary source;

25 a search query initiated by the user through the user terminal located on the network, the search query comprising at least one search parameter specified by the user;

means for providing a refined search, wherein the refinement comprises any of

30 using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search;

 performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

 performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of

the search results with information from at least one of the user-specified sources; and

means for returning the results of the refined search to any of the user and a recipient other than the user.

5

Support is seen in the Application as filed, at least on page 12, lines 12-21; on page 12, line 25 to page 13, line 21; on page 13, lines 30-31; on page 13, line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18, line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 23, lines 16-21; on page 26, lines 23-30; on page 27, lines 1-4 and 30-37; on page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40, 42, 46-48 and 55-56; and in Figures 1-11 and 15.

10

Haitsuka describes a use of a match list to "display an appropriate advertisement" when a user goes to a search engine that is "known to the online service provider", as seen at least in Figure 5, item 540 and in col. 13, lines 23-30, wherein:

15

"As another example, the user might go to a search engine which is known to the online service provider, and search for information about the sale of automobiles based upon the keywords "automobile sales." The client application 110 preferably checks if the keywords sent to these selected search engines are activity identifiers in the match list. If so, then the client application 110 preferably displays the appropriate advertisement."

20

25

Haitsuka describes the display of an advertisement in a client window, and subsequent click-through selection, as seen at least in Figure 6, item 615 and item 620 and in col. 14, lines 41-43 and 51-53, wherein:

30

"In step 615, the client application 110 causes advertisements to be displayed in the client window 200 on the display 101"; and

"At some point during the online session, the user clicks on or otherwise selects a sponsored advertisement in the client window 200 (step 620)."

35

While Haitsuka describes the display of an "appropriate" advertisement for a user while using a search engine, such as seen in at least in col. 13, lines 23-30, there is no disclosure or suggestion, express or implied, of "a search query initiated by the user through the user terminal located on the network, the search query comprising at least one search parameter specified by the user; and means for providing a refined search, wherein the refinement comprises any of

using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search;

performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources."

Therefore, in regard to Claim 46, as amended, Applicant submits that Haitsuka clearly fails to disclose or suggest "a system implemented across a network, comprising:

means for receiving from a user through a user terminal located on the network means for refining at least one search initiated by the user, the refining means comprising a specification of at least one of any of a secondary source and a supplementary source;

a search query initiated by the user through the user terminal located on the network, the search query comprising at least one search parameter specified by the user;

means for providing a refined search, wherein the refinement comprises any of

using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search;

performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and

5 means for returning the results of the refined search to any of the user and a recipient other than the user.”

Applicant therefore submits that independent Claims 1, 17, 30 and 46, as amended, overcome the rejection under 35 U.S.C. 102(e) as being

10 anticipated by Haitsuka. As well, there is no suggestion, express or implied, that Haitsuka be modified to meet Claims 1, 17, 30 and 46.

The Examiner bears the burden of establishing a *prima facie* case of anticipation (In re King, 801 F.2d 1324, 1327, 231 USPQ 136, 138-139 (Fed.

15 Cir. 1986)). The prior art reference must disclose each element of the claimed invention, as correctly interpreted, and as arranged in the claim (Lindermann Maschinefabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or

20 inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim (MPEP 2131).

As Claims 2-16 depend from amended independent Claim 1, as Claims 18-29

25 depend from amended independent Claim 17, as Claims 31-45 depend from amended independent Claim 30, and as Claims 47-61 depend from amended independent Claim 46, and inherently contain all the limitations of the claims they depend from, they are seen to be patentable as well.

30 Furthermore, in regard to Claims 4 and 20, the Office Action stated that Haitsuka discloses a process, wherein the recipient is selected by the user, and cites Col. 14, lines 51-53.

Applicant respectfully disagrees. Haitsuka describes selection, *i.e.* click-

35 through of a sponsored advertisement in col. 14, lines 51-53, wherein:

“At some point during the online session, the user clicks on or otherwise selects a sponsored advertisement in the client window 200 (step 620).”

5

Applicant respectfully submits that user selection in Haitsuka, *i.e.* click-through of a sponsored advertisement, to be displayed by to the user, is significantly different than Claims 4 and 20, wherein a user selects a recipient of the results of a refined search.

10

Applicant therefore submits that dependent Claims 4 and 20 overcome the rejection under 35 U.S.C. 102(e) as being anticipated by Haitsuka. As well, there is no suggestion, express or implied, that Haitsuka be modified to meet Claims 4 and 20.

15

35 U.S.C. § 103. Claim Rejections.

9. The Office Action states that “Claims 11, 40 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haitsuka et al. (Haitsuka hereinafter)(U.S. Patent No. 6,847,992 B1, filed October 19, 1999) in view of Abrams (U.S. Patent No. 7,069,308, filed: June 16, 2003.”

20

Applicant disagrees that Claims 11, 40 and 56 are unpatentable over Haitsuka et al. (U.S. Patent No. 6,847,992 B1) in view of Abrams (U.S. Patent No. 7,069,308 B2).

25

Hilton Davis / Festo Statement

Applicant has amended Claims 1, 30 and 46, for convenience in prosecution, and reserves the right to present the same or similar claims in a related Application. The amendments herein were not made for any reason related to patentability.

30

Abrams describes a “system, method and apparatus for connecting users in an online computer system based on their relationships within social networks” seen at least in the Abstract, wherein:

5 “A method and apparatus for calculating, displaying and acting upon
relationships in a social network is described. A computer system
collects descriptive data about various individuals and allows those
individuals to indicate other individuals with whom they have a
personal relationship. The descriptive data and the relationship data
are integrated and processed to reveal the series of social
relationships connecting any two individuals within a social network.
The pathways connecting any two individuals can be displayed.
10 Further, the social network itself can be displayed to any number of
degrees of separation. A user of the system can determine the optimal
relationship path (i.e., contact pathway) to reach desired individuals. A
communications tool allows individuals in the system to be introduced
(or introduce themselves) and initiate direct communication.”

15 As noted above, Applicant submits that “descriptive information related to the
user” that is obtained by a server, such as for a sponsor, as described by
Haitsuka, is significantly different than Claim 1, as amended, wherein
identification of at least one source specified by a user at a terminal is
received, and wherein a refined search is provided, wherein the refinement
20 comprises any of using information from at least one of the user-specified
sources in conjunction with the received search parameters to perform the
search, performing the search with the received search parameters and
subsequently refining search results with information from at least one of the
user-specified sources, and performing the search with the received search
25 parameters and subsequently providing any of organizing and sorting of the
search results with information from at least one of the user-specified
sources.

30 While Abrams describes a “system, method and apparatus for connecting
users in an online computer system based on their relationships within social
networks”, there is no disclosure, express or implied, of a system or process
in which means for refining at least one search initiated by a user at a
terminal is received comprising identification of at least one source specified
35 by the user, and wherein a refined search is provided, wherein the refinement
comprises any of

using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search,

5 performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

10 performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified source.

As discussed above, Applicant has amended Claim 1, to claim a process implemented across a network, comprising the steps of:

15 receiving means for refining at least one search initiated by a user at a terminal comprising identification of at least one source specified by the user;

receiving a search query from the user, the search query comprising at least one search parameter specified by the user;

20 providing a refined search, wherein the refinement comprises any of using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

25 performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and

30 returning the results of the refined search to any of the user and a recipient other than the user.

Support is seen in the Application as filed, at least on page 12, lines 12-21; on page 12, line 25 to page 13, line 21; on page 13, lines 30-31; on page 13, line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18, line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 23, lines 16-21; on page 26, lines 23-30; on page 27, lines 1-4 and 30-37; on page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40, 42, 46-48 and 55-56; and in Figures 1-11 and 15.

In regard to Claim 1 as amended, Applicant submits that, even in combination, Haitsuka and Abrams fail to disclose "a process implemented across a network, comprising the steps of:

- 5 receiving means for refining at least one search initiated by a user at a terminal comprising identification of at least one source specified by the user;
- receiving a search query from the user, the search query comprising at least one search parameter specified by the user;
- providing a refined search, wherein the refinement comprises any of
- 10 using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search,
- performing the search with the search parameters received from the user and subsequently refining search results with information from
- 15 at least one of the user-specified sources, and
- performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and
- 20 returning the results of the refined search to any of the user and a recipient other than the user."

Applicant has also amended independent Claim 30, to claim a search enhancement system, comprising:

- 25 a search engine;
- at least one of any a secondary source and a supplementary source comprising information;
- means for receiving from a user at a terminal means for refining at least one search initiated by the user, the refining means comprising a
- 30 specification by the user of at least one of the secondary or supplementary sources;
- means for receiving a search query entered by the user, the search query comprising at least one search parameter specified by the user;
- means for providing a refined search, wherein the refinement
- 35 comprises any of
- using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search at the search engine;

performing the search at the search engine with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

5 performing the search at the search engine with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and

means for returning the results of the refined search to any of the user

10 and a recipient other than the user.

Support is seen in the Application as filed, at least on page 12, lines 12-21; on page 12, line 25 to page 13, line 21; on page 13, lines 30-31; on page 13, line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18,

15 line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 23, lines 16-21; on page 26, lines 23-30; on page 27, lines 1-4 and 30-37; on page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40, 42, 46-48 and 55-56; and in Figures 1-11 and 15.

20 In regard to Claim 30 as amended, Applicant submits that, even in combination, Haitzuka and Abrams fail to disclose "a search enhancement system, comprising:

a search engine;

at least one of any a secondary source and a supplementary source

25 comprising information;

means for receiving from a user at a terminal means for refining at least one search initiated by the user, the refining means comprising a specification by the user of at least one of the secondary or supplementary sources;

30 means for receiving a search query entered by the user, the search query comprising at least one search parameter specified by the user;

means for providing a refined search, wherein the refinement comprises any of

using information from at least one of the user-specified sources

35 in conjunction with the search parameters received from the user to perform the search at the search engine;

performing the search at the search engine with the search parameters received from the user and subsequently refining search

results with information from at least one of the user-specified sources,
and

performing the search at the search engine with the search
parameters received from the user and subsequently providing any of
5 organizing and sorting of the search results with information from at
least one of the user-specified sources; and
means for returning the results of the refined search to any of the user and a
recipient other than the user."

10 As discussed above, Applicant has also amended independent Claim 46, to
claim a system implemented across a network, comprising:

means for receiving from a user through a user terminal located on the
network means for refining at least one search initiated by the user, the
refining means comprising a specification of at least one of any of a
15 secondary source and a supplementary source;

a search query initiated by the user through the user terminal located
on the network, the search query comprising at least one search parameter
specified by the user;

means for providing a refined search, wherein the refinement
20 comprises any of

using information from at least one of the user-specified sources
in conjunction with the search parameters received from the user to
perform the search;

performing the search with the search parameters received from
25 the user and subsequently refining search results with information from
at least one of the user-specified sources, and

performing the search with the search parameters received from
the user and subsequently providing any of organizing and sorting of
the search results with information from at least one of the user-
30 specified sources; and

means for returning the results of the refined search to any of the user
and a recipient other than the user.

Support is seen in the Application as filed, at least on page 12, lines 12-21;
35 on page 12, line 25 to page 13, line 21; on page 13, lines 30-31; on page 13,
line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18,
line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 23,
lines 16-21; on page 26, lines 23-30; on page 27, lines 1-4 and 30-37; on

page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40, 42, 46-48 and 55-56; and in Figures 1-11 and 15.

5 In regard to Claim 46 as amended, Applicant submits that, even in combination, Haitsuka and Abrams fail to disclose "a system implemented across a network, comprising:

means for receiving from a user through a user terminal located on the network means for refining at least one search initiated by the user, the refining means comprising a specification of at least one of any of a
10 secondary source and a supplementary source;

a search query initiated by the user through the user terminal located on the network, the search query comprising at least one search parameter specified by the user;

means for providing a refined search, wherein the refinement
15 comprises any of

using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search;

performing the search with the search parameters received from
20 the user and subsequently refining search results with information from at least one of the user-specified sources, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-
25 specified sources; and

means for returning the results of the refined search to any of the user and a recipient other than the user".

30 As well, there is no suggestion, express or implied, that Haitsuka and/or Abrams be modified to meet Claims 1, 30 and 46, as amended. Furthermore, it would take significant modification and undue experimentation for Haitsuka and/or Abrams to meet Claims 1, 30 and 46, as amended.

Therefore, the *prima facie* obviousness case is incomplete because both
35 Haitsuka and Abrams fail to teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a

convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)).

5

Applicant therefore submits that independent Claim 1, 30 and 46, as amended, overcome the rejection under 35 U.S.C. §103 (a) as being unpatentable over Haitsuka in view of Abrams. As Claim 11 depends from independent Claim 1 as amended, as Claim 40 depends from independent Claim 30 as amended, and as Claim 56 depends from independent Claim 46 as amended, and inherently contain all the limitations of the claims they depend from, Claims 11, 40 and 56 are seen to be patentable as well.

10

10. The Office Action states that "Claims 12, 25, 41 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haitsuka et al. (Haitsuka hereinafter)(U.S. Patent No. 6,847,992 B1, filed October 19, 1999) in view of Ford et al. (Ford hereinafter) (U.S. Patent No. 6,963,867 B2, filed: March 31, 2003."

15

Applicant disagrees that Claims 1, 17, 30 and 40 are unpatentable over Haitsuka (U.S. Patent No. 6,847,992 B1) in view of Ford (U.S. Patent No. 6,963,867 B2).

20

Hilton Davis / Festo Statement

Applicant has amended Claims 1, 17, 30 and 46, for convenience in prosecution, and reserves the right to present the same or similar claims in a related Application. The amendments herein were not made for any reason related to patentability.

25

As discussed above, Haitsuka describes details of acquisition of information related to a user by a server, as seen at least in col. 4, lines 54-57, wherein:

30

"In another aspect of the invention, an online server obtains descriptive information related to the user, such as the user's age, gender, address, interests, marriage status, income, and occupation."

5 Also as discussed above, Haitsuka describes details of analysis of user-related data over time and subsequent use, as seen at least in col. 5, lines 1-4, wherein:

10 "the user-related information is stored in a data store for the sponsor. The sponsor can then analyze the data over time and modify or enhance one or more electronic presentations associated with the advertisement".

As noted above, Applicant submits that "descriptive information related to the user" that is obtained by a server, such as for a sponsor, as described by Haitsuka, is significantly different than Claim 1, as amended, wherein identification of at least one source specified by a user at a terminal is received, and wherein a refined search is provided, wherein the refinement comprises any of using information from at least one of the user-specified sources in conjunction with the received search parameters to perform the search, performing the search with the received search parameters and subsequently refining search results with information from at least one of the user-specified sources, and performing the search with the received search parameters and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources.

Ford describe a "search query processing to provide category-ranked presentation of search results" seen at least in the Abstract, wherein:

30 "A search engine system displays the results of a multiple-category search according to levels of relevance of the categories to a user's search query. A query server receives a search query from a user and identifies, within each of multiple item categories, a set of items that satisfy the query. The sets of items are used to generate, for each of

35

the multiple categories, a score that reflects a level significance or relevance of the category to the search. The scores may be based, for example, on the number of hits within each category relative to the total number of items in that category, the popularity levels of items that satisfy the query, a personal profile of the user, or a combination thereof. The categories are then presented to the user, together with the most relevant items within each category, in the order of highest to lowest category relevance."

10 Ford describe user ratings of located merchants, and storage of such merchant ratings data, as seen at least in col. 6, lines 28-31, wherein:

"Furthermore, in embodiments in which the web site 130 provides users an option to rate the located merchants (e.g., on a scale of 1-5), and to view the ratings entered by other users, the Product Spider Database 147 may store the merchant ratings data."

While Ford describes that a search query system wherein scores reflect a level of significance or relevance of the category to the search, there is no disclosure, express or implied, of a system or process in which means for refining at least one search initiated by a user at a terminal is received comprising identification of at least one source specified by the user, and wherein a refined search is provided, wherein the refinement comprises any of

25 using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

30 performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified source."

35

As discussed above, Applicant has amended Claim 1, to claim a process implemented across a network, comprising the steps of:

receiving means for refining at least one search initiated by a user at a terminal comprising identification of at least one source specified by the user;

receiving a search query from the user, the search query comprising at least one search parameter specified by the user;

5 providing a refined search, wherein the refinement comprises any of using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search,

10 performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and

15 returning the results of the refined search to any of the user and a recipient other than the user.

Support is seen in the Application as filed, at least on page 12, lines 12-21; on page 12, line 25 to page 13, line 21; on page 13, lines 30-31; on page 13, line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18, line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 23, lines 16-21; on page 26, lines 23-30; on page 27, lines 1-4 and 30-37; on page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40, 25 42, 46-48 and 55-56; and in Figures 1-11 and 15.

In regard to Claim 1, as amended, Applicant submits that, even in combination, Haitsuka and Ford fail to disclose "a process implemented across a network, comprising the steps of:

30 receiving means for refining at least one search initiated by a user at a terminal comprising identification of at least one source specified by the user;

receiving a search query from the user, the search query comprising at least one search parameter specified by the user;

35 providing a refined search, wherein the refinement comprises any of using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

5 performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and

10 returning the results of the refined search to any of the user and a recipient other than the user.”

Therefore, the *prima facie* obviousness case is incomplete because both Haitsuka and Ford fail to teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or

15 impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)).

20

Applicant therefore submits that independent Claim 1, as amended, overcomes the rejection under 35 U.S.C. §103 (a) as being unpatentable over Haitsuka in view of Ford. As claim 12 depends from amended independent Claim 1 as amended, and inherently contains all the limitations of the claims it

25 depends from, Claim 12 is seen to be patentable as well.

As discussed above, Applicant has amended independent Claim 17, to claim a process implemented across a network, comprising the steps of:

30 soliciting from a user at a terminal means for refining at least one search initiated by the user, the refining means comprising any of an identification and a selection by the user of at least one information source;

receiving a search query from the user, the search query comprising at least one search parameter specified by the user;

providing a refined search, wherein the refinement comprises any of

using information from at least one of the solicited information sources in conjunction with the search parameters received from the user to perform the search,

5 performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the solicited information sources, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the solicited
10 information sources; and

returning the results of the refined search to any of the user and a recipient other than the user.

Support is seen in the Application as filed, at least on page 12, lines 12-21;
15 on page 12, line 25 to page 13, line 21; on page 13, lines 30-31; on page 13, line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18, line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 23, lines 16-21; on page 26, lines 23-30; on page 27, lines 1-4 and 30-37; on page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40,
20 42, 46-48 and 55-56; and in Figures 1-11 and 15.

While Ford describes that a search query system wherein scores reflect a level significance or relevance of the category to the search, there is no disclosure, express or implied, of a system or process in which means for
25 refining at least one search initiated by a user is solicited from the user at a terminal, wherein the refining means comprising any of an identification and a selection by the user of at least one information source, and wherein a refined search is provided for search query received from the user, the search query comprising at least one search parameter specified by the user, wherein the
30 refinement comprises any of

using information from at least one of the solicited information sources in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the
35 user and subsequently refining search results with information from at least one of the solicited information sources, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the solicited information sources.

- 5 Therefore, in regard to Claim 17 as amended, Applicant submits that, even in combination, Haitsuka and Ford fail to disclose "a process implemented across a network, comprising the steps of:

soliciting from a user at a terminal means for refining at least one search initiated by the user, the refining means comprising any of an
10 identification and a selection by the user of at least one information source;

receiving a search query from the user, the search query comprising at least one search parameter specified by the user;

providing a refined search, wherein the refinement comprises any of
15 using information from at least one of the solicited information sources in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the solicited information sources, and

20 performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the solicited information sources; and

25 returning the results of the refined search to any of the user and a recipient other than the user."

Therefore, the *prima facie* obviousness case is incomplete because both Haitsuka and Ford fail to teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is
30 directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter.
35 1985), MPEP 706.02(j)).

Applicant therefore submits that independent Claim 17, as amended, overcomes the rejection under 35 U.S.C. §103 (a) as being unpatentable over Haitsuka in view of Ford. As claim 25 depends from amended independent Claim 17 as amended, and inherently contains all the limitations of the claims
5 it depends from, Claim 25 is seen to be patentable as well.

As discussed above, Applicant has also amended independent Claim 30, to claim a search enhancement system, comprising:

- a search engine;
- 10 at least one of any a secondary source and a supplementary source comprising information;
- means for receiving from a user at a terminal means for refining at least one search initiated by the user, the refining means comprising a specification by the user of at least one of the secondary or supplementary
- 15 sources;
- means for receiving a search query entered by the user, the search query comprising at least one search parameter specified by the user;
- means for providing a refined search, wherein the refinement comprises any of
- 20 using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search at the search engine;
- performing the search at the search engine with the search parameters received from the user and subsequently refining search
- 25 results with information from at least one of the user-specified sources, and
- performing the search at the search engine with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at
- 30 least one of the user-specified sources; and
- means for returning the results of the refined search to any of the user and a recipient other than the user.

Support is seen in the Application as filed, at least on page 12, lines 12-21;
35 on page 12, line 25 to page 13, line 21; on page 13, lines 30-31; on page 13, line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18, line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 23,

lines 16-21; on page 26, lines 23-30; on page 27, lines 1-4 and 30-37; on page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40, 42, 46-48 and 55-56; and in Figures 1-11 and 15.

5 While Ford describes that a search query system wherein scores reflect a level significance or relevance of the category to the search, there is no disclosure, express or implied, of a system which comprises, *inter alia*, "means for providing a refined search, wherein the refinement comprises any of

10 using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search at the search engine;

performing the search at the search engine with the search parameters received from the user and subsequently refining search results with
15 information from at least one of the user-specified sources, and

performing the search at the search engine with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources."

20

Therefore, in regard to Claim 30 as amended, Applicant submits that, even in combination, Haitsuka and Ford fail to disclose "a search enhancement system, comprising:

a search engine;

25 at least one of any a secondary source and a supplementary source comprising information;

means for receiving from a user at a terminal means for refining at least one search initiated by the user, the refining means comprising a specification by the user of at least one of the secondary or supplementary
30 sources;

means for receiving a search query entered by the user, the search query comprising at least one search parameter specified by the user;

means for providing a refined search, wherein the refinement comprises any of

using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search at the search engine;

5 performing the search at the search engine with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

10 performing the search at the search engine with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and

means for returning the results of the refined search to any of the user and a recipient other than the user."

15 Therefore, the *prima facie* obviousness case is incomplete because both Haitsuka and Ford fail to teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a
20 convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)).

25 Applicant therefore submits that independent Claim 30, as amended, overcomes the rejection under 35 U.S.C. §103 (a) as being unpatentable over Haitsuka in view of Ford. As claim 41 depends from amended independent Claim 30 as amended, and inherently contains all the limitations of the claims it depends from, Claim 41 is seen to be patentable as well.

30

As also discussed above, Applicant has amended independent Claim 46, to claim a system implemented across a network, comprising:

35 means for receiving from a user through a user terminal located on the network means for refining at least one search initiated by the user, the refining means comprising a specification of at least one of any of a secondary source and a supplementary source;

a search query initiated by the user through the user terminal located on the network, the search query comprising at least one search parameter specified by the user;

means for providing a refined search, wherein the refinement
5 comprises any of

using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search;

performing the search with the search parameters received from
10 the user and subsequently refining search results with information from at least one of the user-specified sources, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-
15 specified sources; and

means for returning the results of the refined search to any of the user and a recipient other than the user.

Support is seen in the Application as filed, at least on page 12, lines 12-21;
20 on page 12, line 25 to page 13, line 21; on page 13, lines 30-31; on page 13, line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18, line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 23, lines 16-21; on page 26, lines 23-30; on page 27, lines 1-4 and 30-37; on page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40,
25 42, 46-48 and 55-56; and in Figures 1-11 and 15.

While Ford describes that a search query system wherein scores reflect a level significance or relevance of the category to the search, there is no disclosure or suggestion, express or implied, of "a search query initiated by
30 the user through the user terminal located on the network, the search query comprising at least one search parameter specified by the user; and means for providing a refined search, wherein the refinement comprises any of

using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the
35 search;

performing the search with the search parameters received from the user and subsequently refining search results with information from at least one of the user-specified sources, and

- 5 performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources.”

Therefore, in regard to Claim 46 as amended, Applicant submits that, even in combination, Haitsuka and Ford fail to disclose “a system implemented
10 across a network, comprising:

means for receiving from a user through a user terminal located on the network means for refining at least one search initiated by the user, the refining means comprising a specification of at least one of any of a secondary source and a supplementary source;

- 15 a search query initiated by the user through the user terminal located on the network, the search query comprising at least one search parameter specified by the user;

means for providing a refined search, wherein the refinement comprises any of

- 20 using information from at least one of the user-specified sources in conjunction with the search parameters received from the user to perform the search;

- performing the search with the search parameters received from the user and subsequently refining search results with information from
25 at least one of the user-specified sources, and

- performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with information from at least one of the user-specified sources; and

- 30 means for returning the results of the refined search to any of the user and a recipient other than the user.”

Therefore, the *prima facie* obviousness case is incomplete because both Haitsuka and Ford fail to teach or suggest all the claim limitations (MPEP
35 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a

convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)).

5

Applicant therefore submits that independent Claim 46, as amended, overcomes the rejection under 35 U.S.C. §103 (a) as being unpatentable over Haitsuka in view of Ford. As claim 57 depends from amended independent Claim 46 as amended, and inherently contains all the limitations of the claims it depends from, Claim 57 is seen to be patentable as well.

10

Other Amendments.

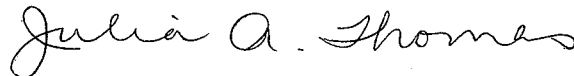
Applicant has amended the Specification and dependent Claim 27, to correct minor grammatical errors.

15

CONCLUSION

5 For the foregoing reasons, the claims in the present application are directed
to statutory subject matter and are patentably distinguished over the cited
references. Applicant also submits that the amendments do not introduce
new matter into the Application. Based on the foregoing, Applicant considers
the invention to be in condition for allowance. Applicant earnestly solicits the
10 Examiner's withdrawal of the rejections set forth in the prior Office Action,
such that a Notice of Allowance is forwarded to Applicant, and the present
application is therefore allowed to issue as a United States Patent.

Respectfully Submitted,

15 

Julia A. Thomas

Reg. No. 52,283

20 Customer No. 22862